

'IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



ELLEN ROBERTA JOSEY,

Plaintiff,

v.

CIVIL ACTION NO. 2:16cv497

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on Ellen Roberta Josey's ("Plaintiff") action for judicial review of the final decision of the Commissioner of Social Security ("Defendant") denying Plaintiff's claim for disability insurance benefits ("DIB"). On November 7, 2016, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. On December 6, 2016, Plaintiff filed a Motion for Summary Judgment and accompanying memorandum. (ECF Nos. 14 & 15). On January 5, 2017, Defendant filed a Motion for Summary Judgment and accompanying memorandum. (ECF Nos. 16 & 17). On May 26, 2017, the Magistrate Judge filed his report recommending that Plaintiff's Motion for Summary Judgment be **DENIED**, that Defendant's Motion for Summary Judgment be **GRANTED**, and the Commissioner's final decision be **AFFIRMED**. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for

filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed May 26, 2017, and it is, therefore **ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED** and Defendant's Motion for Summary Judgment is **GRANTED**. Accordingly, the final decision of the Commissioner is **AFFIRMED** and Plaintiff's case is **DISMISSED**.

The Clerk shall mail a copy of this final Order to counsel for both Parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
July 6, 2017

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Raymond A. Jackson  
United States District Judge